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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

THOMPSON, JAMES A

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,776

Applicant(s)

TOWNER ET AL.

Examiner

James A. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/29/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 8, 10-12, 15 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lloyd (US Patent 5,852,462).

Regarding claims 1, 8 and 15: Lloyd discloses an apparatus (figure 1 and column 6, lines 13-20 of Lloyd) comprising a user interface (figure 1(31) of Lloyd) facilitating user-adjustable variation of hard copy output gloss (column 6, lines 55-57 of Lloyd); and a control mechanism (figure 2(12) and column 6, lines 50-55 of Lloyd) configured to vary at least one processing parameter (column 6, lines 52-55 of Lloyd) in producing the hard copy output in response to user adjustment of the user-adjustable control (column 6, lines 50-52 of Lloyd) to provide a first user-selected gloss level over a first portion of a page of hard copy output (column 7, lines 2-5 of Lloyd).

Further regarding claim 1: The apparatus of claim 8 performs the method of claim 1.

Further regarding claim 15: The apparatus of claim 8 is embodied on a personal computer (column 6, lines 38-45 of Lloyd) and is thus the computer implemented control system of claim 15.

Regarding claims 3 and 10: Lloyd discloses that varying gloss in hard copy output includes varying gloss in a hard copy output engine (column 6, lines 50-55 of Lloyd) that employs dry

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powder material as for pigmentation of the hard copy medium (column 6, lines 24-28 of Lloyd).

Regarding claims 4, 11 and 17: Lloyd discloses that the control mechanism configured to vary includes a control mechanism configured to supply a gloss modification agent to the hard copy medium during generation of the hard copy output (column 7, lines 30-36 of Lloyd).

Regarding claims 5, 12 and 18: Lloyd discloses that the control mechanism configured to vary includes a control mechanism configured to vary at least on parameter chosen from a list consisting of tone mass density, media gloss (column 6, lines 51-55 of Lloyd), fusing temperature (column 7, lines 10-14 of Lloyd), fusing time (column 7, lines 5-8 of Lloyd), cooling rate, nip geometry, auxiliary heat, number of passes, selecting use of multi-gloss toner, selecting special hard copy media or treatments (column 7, lines 2-5 of Lloyd), and using additional toner cartridge(s) for applying a "gloss enhancement", "gloss modification", or "gloss reduction" overcoat.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd (US Patent 5,852,462) in view of Gwaltney (US Patent 5,751,432).

Regarding claims 2, 9 and 16: Lloyd discloses a sensor (figure 2(26) of Lloyd) for sensing gloss levels in hard copy media that is to be output from the hard copy output engine (column 6, lines 61-65 of Lloyd); and wherein the control mechanism configured to vary includes a control mechanism configured to vary at least one processing parameter in producing the hard copy output (column 7, lines 5-14 of Lloyd) in response to both the sensed achieved gloss level (column 6, line 66 to column 7, line 2 of Lloyd) and the user adjustment of the user-adjustable control (column 6, lines 55-57 of Lloyd).

Lloyd does not disclose expressly that said sensor senses achieved gloss levels in a hard copy output from the hard copy output engine.

Gwaltney discloses a sensor (figure 1(18) of Gwaltney) which senses achieved gloss levels in a hard copy output from the hard copy output engine (column 4, lines 11-17 of Gwaltney).

Lloyd and Gwaltney are combinable because they are from the same field of endeavor, namely the control and printing of hard copy images with various adjustable gloss levels, said images taken from digital image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a sensor to help control the achieved gloss levels in the hard copy output, as taught by Gwaltney. The motivation for doing so would have been to allow for better control of output gloss levels in the resultant hard copy (column 4, lines 20-23 of Gwaltney). Therefore, it would have been obvious to combine

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Gwaltney with Lloyd to obtain the invention as specified in claims 2, 9 and 16.

5. Claims 6-7, 13-14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd (US Patent 5,852,462) in view of Ng (US Patent 5,234,783).

Regarding claims 6, 13 and 19: Lloyd discloses that the user interface includes a user interface configured to provide a user with a user-adjustable control allowing adjustment of achieved gloss levels (column 6, lines 52-55 of Lloyd).

Lloyd does not disclose expressly that said adjustment is *page-to-page* adjustment.

Ng discloses *page-to-page* adjustment (figure 1 and column 5, lines 48-54 of Ng) of achieved gloss levels (column 5, lines 43-47 of Ng).

Lloyd and Ng are combinable because they are from the same field of endeavor, namely the control and printing of hard copy images with various adjustable gloss levels, said images taken from digital image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to adjust the achieved gloss levels on a *page-to-page* basis, as taught by Ng. The motivation for doing so would have been to provide the ability for a user to give special treatment to certain images or parts of images (column 5, lines 48-54 of Ng). Therefore, it would have been obvious to combine Ng with Lloyd to obtain the invention as specified in claims 6, 13 and 19.

Regarding claims 7, 14 and 20: Lloyd discloses a user-selectable gloss level for a page (column 6, lines 50-55 of Lloyd).

Lloyd does not disclose expressly that varying at least one parameter includes varying at least one parameter to provide the first user-selected gloss level over the first portion of the page of hard copy output and to provide a second user-selectable gloss level over a second portion of the page.

Ng discloses varying at least one parameter to provide the first gloss level over the first portion of the page of hard copy output and to provide a second gloss level over a second portion of the page (figure 1 and column 2, lines 63-67 of Ng).

Lloyd and Ng are combinable because they are from the same field of endeavor, namely the control and printing of hard copy images with various adjustable gloss levels, said images taken from digital image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to vary a parameter to provide a first gloss level over a first portion of a hard copy output and to provide a second gloss level over a second portion of the page, as taught by Ng, wherein the first gloss level and the second gloss level are each user-selectable, as taught by Lloyd. The motivation for doing so would have been to provide the ability for a user to give special treatment to certain parts of images (column 5, lines 48-54 of Ng). Therefore, it would have been obvious to combine Ng with Lloyd to obtain the invention as specified in claims 7, 14 and 20.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haneda et al., US Patent 5,260,753, 09 November 1993.

Aslam et al., US Patent 5,339,146, 16 August 1994.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

JAT
24 August 2005



THOMAS D.
~~TOMMY~~ LEE
PRIMARY EXAMINER